

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 29, 1991
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:20 a.m. The meeting was recessed by Mayor O'Connor at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:00 p.m. with Council Members Wolfsheimer, Roberts, Hartley and Filner not present. Mayor O'Connor recessed the meeting at 5:55 p.m. to convene the Housing Authority Meeting. The meeting was reconvened by Mayor O'Connor at 7:15 p.m. with Council Member Roberts not present. Mayor O'Connor adjourned the regular meeting at 7:17 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Fishkin (ll/so)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-330:

Two actions relative to Project First Class Alley and
Sewer Replacement Contract No. 4 (1911 Street
Improvement Act):

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-91-854) ADOPTED AS RESOLUTION R-277274

Considering the protests and confirming the assessment
in the matter of paving and otherwise improving Project
First Class Alley and Sewer Replacement - Contract No.
4, on Assessment Roll No. 4037, under Resolution of
Intention R-272721, adopted January 23, 1989.

Subitem-B: (R-91-855) ADOPTED AS RESOLUTION R-277275

Authorizing the expenditure of \$42,365.09 and \$2,209.74
from CDBG Fund 18520, Dept. 5813, Org. 1320 and Fund
18521, Dept. 5833, Org. 3304, respectively, for the
purpose of making a contribution to the Assessment
District for eligible property owners.

CITY MANAGER SUPPORTING INFORMATION: On September 11, 1989,
Council awarded a contract for the improvement of five alleys in
the Project First Class area in accordance with the
Council-adopted CDBG assessment district cost sharing program.
Construction is now complete, and the assessments must be levied.
CDBG funds will be used to pay the costs that are assessed to
owner-occupied properties where the owner meets HUD income
guidelines. Where property owners do not satisfy both
conditions, the assessment remains, and may be paid over a ten
year period. Each property owner has been sent information
regarding the remaining cost assessable to their property, an
eligibility form for CDBG funding, and a notice of today's

hearing. The final amount assessed to the district is 2 percent below the amount noticed to the property owners at the time of the public hearing. However, on an individual basis assessments were increased from 9.9 percent on one alley and decreased to 8.5 percent on another.

Current information indicates that 48 out of 82 property owners satisfy the residency requirements. Information gained from the eligibility forms will determine which owners also satisfy the income requirements. In order to facilitate the timely discharge of assessments, it is proposed that CDBG funds equal to the assessments against all owner-occupied parcels be authorized. All unused funds will be returned to the CDBG fund.

FILE LOCATION: STRT D-2279

COUNCIL ACTION: (Tape location: A021-170.)

Hearing began at 10:16 a.m. and halted at 10:33 a.m.

Testimony in opposition by Richard Reynante and Amos Todd.

MOTION BY PRATT TO ADOPT AND ACCEPT THE CITY MANAGER'S RECOMMENDATION TO CONFIRM THE ASSESSMENT AND AUTHORIZE THE EXPENDITURE. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-91-1379) DENY THE APPEAL AND SUPPORT THE
PROJECT, ADOPTED AS RESOLUTION
R-277276

Appeal of the Southeast Development Committee from the decision of the Board of Zoning Appeals in approving a modified variance which partially approved the (1) construction of a 512 sq. ft. addition to a non-conforming single-family dwelling on a lot improved with two dwelling units where one dwelling unit is currently permitted; (2) provision of no street trees within the public right-of-way where two street trees are required; and (3) maintenance of approximately 215 linear feet of both 6'-0" solid fencing and 11'-11" high combination retaining wall and solid fencing in the required front yard, the visibility area adjacent to the driveway, the required side yards, the required rear yard and behind all required yards where a 3'-0" high solid wall or fence with a 3'-0" high open fence

on top is permitted in the required front yard, a 3'-0" high wall or fence is permitted in the visibility area, a 6'-0" high solid wall or fence with a 3'-0" high open fence on top is permitted in the required side and rear yards and a 10'-0" high solid or open wall or fence is permitted behind all required yards. The subject property is located at 6784 Akins Avenue and is more particularly described as Lot 43, Los Terrenitos, Map-1164 in Zone SF-6000 in the Southeast San Diego Planned District area.

(Case C-20626. District-4.)

Adoption of a Resolution granting or denying the appeal and the request for a variance.

FILE LOCATION: ZONE Zoning Appeals Case C-20626

COUNCIL ACTION: (Tape location: A170-344.)

Hearing began at 10:34 a.m. and halted at 10:46 a.m.

Testimony in favor by Reynaldo Pisano and Verna Quinn.

Testimony in opposition by Evelyn Garcia.

MOTION BY PRATT TO DENY THE APPEAL AND SUPPORT THE PROJECT. A PROGRESS REPORT IS TO BE BROUGHT BACK TO COUNCIL IN THREE MONTHS IF ALL THE CONDITIONS IN THE ZONING APPEALS BOARD LIST ARE NOT COMPLIED WITH WITHIN THAT TIME FRAME. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Appeal of Reynaldo Pisano, Chair, Southeast Development Committee, from the decision of the Planning Commission in approving Conditional Use Permit CUP-90-0116 and Southeast Development Permit SED-90-0116, proposing operation of Al-Basit Academy, a private school and day care facility.

The subject property (approximately 1.1-acres in area) contains two detached single-family residences and is located at 1705 and 1715 Winnett Street, between Springfield and Tooley Streets, in Zone SF-10000 (single-family residential), in the Southeast San Diego

Community Plan area. The site is more particularly described as Parcels A and B of Parcel Map PM-2263.

(CUP/SED-90-0116. District-4.)

Subitem-A: (R-91-1380) ADOPTED AS RESOLUTION R-277277

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-90-0116 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-1381 Cor.Copy) DENIED THE APPEAL AND
GRANTED THE CUP PERMIT,
ADOPTED AS RESOLUTION
R-277278

Adoption of a Resolution granting or denying the appeal and granting or denying the CUP permit, with appropriate findings to support Council action.

Subitem-C: (R-91-1382 Cor.Copy) DENIED THE APPEAL AND
GRANTED THE SED PERMIT,
ADOPTED AS RESOLUTION
R-277279

Adoption of a Resolution granting or denying the appeal and granting or denying the SED permit, with appropriate findings to support Council action.

FILE LOCATION: Subitems A and B: PERM CUP 90-0116; Subitem
C: PERM SED 90-0116

COUNCIL ACTION: (Tape location: A346-C301.)

Hearing began at 10:45 a.m. and halted at 12:03 p.m.

Council Member Filner left at 10:58 a.m. and entered at 11:20 a.m.

Council Member Hartley left at 10:59 a.m. and entered at 11:17 a.m.; left at 11:37 a.m.

Testimony in favor by Lew Collins, William Ferguson and Grace Roth.

Testimony in opposition by Islah Abdul Hafeez, Iola Harris,

Anthony Ackee, Jackie Cook, Deniel and Kim Venable, Sylvia Thompson, Reynaldo Pisano, Verna Quinn, Mark Hoppe, Walter Kuduma, Zarina Bari and Hazel McCain.

MOTION BY PRATT TO DENY THE APPEAL AND GRANT THE CUP AND SED PERMITS. COUNCIL MEMBER PRATT OFFERED TO ASSIST THE SCHOOL TO FIND A MORE SUITABLE LOCATION TO ACCOMMODATE ADDITIONAL STUDENTS. THE NUMBER OF STUDENTS WILL BE LIMITED TO 30 IN THE EXISTING LOCATION. IF A NEW SITE IS NOT LOCATED BY DECEMBER, 1991, THIS ITEM WILL BE REDOCKETED FOR FURTHER COUNCIL ACTION AT THAT TIME. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333:

Appeal of Richard J. Mitchell, for a hearing of an appeal from the decision of the Planning Commission in approving Planned Infill Residential Development and Resource Protection Ordinance Permits, PIRD/RPZ-89-0956, proposing to construct three single-family homes. The subject property (approximately 25,000 square feet) is located east of the Trenton Avenue Alley between Ticonderoga and Bunker Hill Streets, in Zone R1-5000, in the Clairemont Mesa Community Plan area, and is more particularly described as Lots 29-36 of Block 5 of Map-983.

(PIRD/RPOZ-89-0956. District-5.)

Subitem-A: (R-91-) FILED

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0956 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-1383) GRANTED APPEAL AND DENIED PIRD
PERMIT, ADOPTED AS RESOLUTION
R-277282

Adoption of a Resolution granting or denying the appeal and granting or denying the PIRD permit, with appropriate findings to support Council action.

Subitem-C: (R-91-1384) GRANTED APPEAL AND DENIED RPOZ
PERMIT, ADOPTED AS RESOLUTION
R-277283

Adoption of a Resolution granting or denying the appeal
and granting or denying the RPOZ permit, with
appropriate findings to support Council action.

FILE LOCATION: PERM - Subitems-A&B: PIRD 89-0956;
Subitem-C: RPOZ 89-0956

COUNCIL ACTION: (Tape location: D133-E024.)

Hearing began at 2:13 p.m. and halted at 2:50 p.m.

Testimony in favor by Richard J. Mitchell, Robert Schlaug,
Merlin Osterhouse, Patrick Lyden, M.D., and Mrs. Donald L.
Skidmore.

Testimony in opposition by John Leppert, Marguerite
Ferrante, and Lorraine Preli.

MOTION BY BERNHARDT TO GRANT THE APPEAL AND DENY THE
PERMITS. Second by Henderson. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not
present, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meetings of August 7, 1990, Item
331, September 18, 1990, Item 341, October 16, 1990,
Item 338, October 29, 1990, Item 215, December 10,
1990, Item 210 and January 9, 1991, Item 210; last
continued at the Assistant City Manager's request, for
further review by the City Manager, Planning
Department, and City Attorney's Office.)

A proposal for amendments to the Resource Protection
Ordinance, Article 1, Division 4, Section 101.0462 of
the San Diego Municipal Code, including: deletion of
certain exemptions and exclusions; changes to the
regulations relating to biologically sensitive lands,
hillsides and floodplains; changes to the findings and
alternative compliance procedure; addition of a
procedure to apply the ordinance to long range plans;
and other amendments. The City Council will also
consider the Resource Protection Ordinance

Administrative Guidelines.

(City-wide.)

Subitem-A: (R-91-1218 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-277284

Adoption of a Resolution adopting the Resource
Protection Ordinance Administrative Guidelines.

Subitem-B: (O-91-) RETURNED TO CITY ATTORNEY FOR
REDOCKETING

Introduction of an Ordinance amending Chapter X,
Article 1, Division 4 of the Municipal Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E180-I147.)

Hearing began at 2:55 p.m. and halted at 5:40 p.m.

Testimony in favor by Kevin McNamara, Norma Sullivan, Jim
Whalen, Linda Michael.

Testimony in opposition by Bruce H. Warren, Tom Sheffer,
Randi Cooper-Smith, Atti Hughes, Dave Odell, Jim Dawe.

Motion by Wolfsheimer to amend Section B of the Ordinance,
regarding the requirement for a Resource Protection Permit,
by inserting a clause at the top of page 3: Notwithstanding
the exemption for single family lots of less than 15,000
square feet, a Resource Protection Permit shall be required
for subdivision and re-subdivision of such lots. Second by
Filner. No vote.

Motion by Wolfsheimer to delete exclusions for Sorrento
Hills in paragraph 5, page 9, of the ordinance according to
City Attorney Proposition D ballot analysis as follows: The
trade with Genstar will go forward only if this measure is
approved and the City grants rezoning, subdivision map
approvals and other development approvals for the 166 acres.
The normal City review process will pertain to all of these
actions. Second by Filner. Failed by the following vote:
Yeas-1,8. Nays-2, 3, 4, 5, 6, 7, M. Not Present-None.

Motion by Wolfsheimer to amend paragraphs 6 and 7, page 42,
of the ordinance, Permitted Uses and Development
Regulations, by inserting the following underlined phrase in
the middle of the second paragraph: "...General Plan, and

those areas visible from and within one mile of the Pacific Ocean coastline, and the midpoint of the streambed..." Second by Filner. Failed by the following vote. Yeas-1,8. Nays-2, 3, 4, 5, 6, 7, M. Not Present-None.

Motion by Wolfsheimer to clarify the alternative compliance section of the ordinance, page 47, by inserting the following underlined addition to the beginning of the opening paragraph: "Development plans shall, to the maximum extent possible, comply with the provisions of this section. In a case where development plan does not fully comply..." Second by Filner. Passed by the following vote: Yeas-1, 4, 5, 6, 7, 8, M. Nays-2,3. Not Present-None.

Motion by Wolfsheimer to clarify the Alternative Compliance section of the ordinance, page 48, paragraph 1, replacing "shall" with "may" to read: "The Planning Director may grant alternative compliance..." Second by Filner. Failed by the following vote: Yeas-1,3,5,8. Nays-2,4,6,7,M. Not Present-None.

Motion by Wolfsheimer to clarify the Alternative Compliance section by amending paragraph 1.a, page 48, by inserting underlined clause: "...conditions applying to the land that are peculiar to such land and not of the applicant's or prior owner's making..." Second by Filner. Failed by the following vote: Yeas-1,3,5,8. Nays-2,4,6,7,M. Not Present-None.

MOTION BY FILNER TO DIRECT STAFF TO FURTHER REVIEW THE SAND AND GRAVEL PROVISIONS OF THE ORDINANCE AND RETURN TO COUNCIL WITH THE RESULTS WITHIN 90 DAYS. Motion passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY FILNER TO ADOPT THE FOLLOWING CITY MANAGER'S RECOMMENDATIONS; ADOPTING THE AMENDMENT TO THE RESOURCE PROTECTION ORDINANCE; APPLYING ITS PROVISIONS TO PUBLIC WORKS PROJECTS AND; CONSIDERING PUBLIC WORKS PROJECTS BY RESOLUTION RATHER THAN BY ORDINANCE:

1. AMEND THE ALTERNATIVE COMPLIANCE SECTION TO PERMIT THE GRANTING OF ALTERNATIVE COMPLIANCE FOR PUBLIC WORKS PROJECTS THAT PROVIDE EXTRAORDINARY BENEFIT TO THE GENERAL PUBLIC.
2. AMEND THE ORDINANCE TO INCLUDE A PROVISION DIRECTING THE CITY MANAGER TO PREPARE A COUNCIL POLICY ESTABLISHING CRITERIA AND A REVIEW PROCESS FOR PUBLIC WORKS PROJECTS.

3. AMEND THE ORDINANCE TO INCLUDE A PIPELINE PROVISION FOR PUBLIC WORKS PROJECTS THAT THE CITY COUNCIL HAS AUTHORIZED AND FUNDED FOR FY91 IN THE CURRENT CAPITAL IMPROVEMENT PROGRAM AND PROJECTS FUNDED IN PRECEDING YEARS UNDER THE CAPITAL IMPROVEMENT PLAN. THE PIPELINE DATE IS TO BE JULY 1, 1991 FOR ANY CAPITAL IMPROVEMENT PROJECTS THAT HAVE BEEN APPROVED BY COUNCIL.

4. RETURN TO THE CITY ATTORNEY FOR A DRAFT OF THE ORDINANCE WITH AMENDMENTS TO BE REDOCKETED FOR INTRODUCTION.

Second by McCarty. Passed by the following vote:
Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Substitute motion by Henderson to add the following amendments to the previous motion:

1. Floodplain. The relatively flat areas of low lands adjoining, and including the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the flood waters of the 100-year frequency flood.

For purposes of this ordinance "floodplain" does not include any land in or adjacent to a public drainage (hereinafter defined).

2. Floodway. The river channel and the adjacent land areas, within the floodplain, needed to carry the 100-year frequency flood without increasing the water surface elevation more than one foot at any point. The natural flood water profile is the water surface elevation of a nonconfined 100-year frequency flood in the natural undeveloped floodplain.

For the purposes of this ordinance "floodway" does not include any land in a public drainage (hereinafter defined).

3. Floodplain Fringe. All that land in a floodplain not lying within a delineated floodway. Land within a floodplain fringe is subject to inundation by relatively low velocity flows and shallow water depths.

For purposes of this ordinance "floodplain fringe" does not include any land adjacent to a public drainage (hereinafter defined).

4. All wetlands must have one or more of the following

characteristics:

a. At least periodically, the land supports hydrophytes, as defined in Unified Federal Method Manual (Federal Manual for Identifying and Delineating Jurisdictional Wetlands, January 19, 1989).

b. The substrate meets the criteria for hydric soils, including aquatic soils, as described in the United Federal Method Manual.

c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year, or if the hydrologic conditions meet the criteria in the United Federal Method Manual.

Areas classifiable as wetlands include lagoons, marshes, estuaries, vernal pools, streams and rivers and associated riparian habitat areas.

For purposes of this ordinance, "wetlands" does not include any land on which any one or more of the characteristics set forth in subsections F.13.a through c. has or have become substantially modified as a result of the construction of a public street, city park or other public improvement (i) necessitated by public health, safety or welfare and (ii) completed prior to the effective date of this ordinance; said excluded land is herein called "public drainage."

Second by McCarty. No vote.

Motion by Filner to direct staff to bring language back to Council exempting Public Works projects from the ordinance. Second by Henderson. Failed by the following vote: Yeas-3,4,6,8. Nays-1,2,5,7,M. Not Present-None.

MOTION BY BERNHARDT TO APPROVE THE FOLLOWING STAFF RECOMMENDATIONS:

1. ADOPT COUNCIL POLICY ON LONG RANGE PLANS.
2. ADOPT REPLACEMENT FEMA MAPS.
3. APPROVE PROMULGATION OF THE RESOURCE PROTECTION ORDINANCE GUIDELINES.
4. DIRECT THE FORMATION OF A TECHNICAL ADVISORY COMMITTEE TO REVIEW THE GUIDELINES AND REPORT BACK IN SIX MONTHS.

Second by Filner. Passed by the following vote:

Wolfsheimer-Yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-335: (O-90-209) INTRODUCED, TO BE ADOPTED FEBRUARY 11,
1991

(Continued from the meetings of July 10, 1990, Item
336, July 17, 1990, Item S405, July 31, 1990, Item 345,
August 7, 1990, Item S502, September 18, 1990, Item
345, October 16, 1990, Item 340, October 29, 1990, Item
217, December 12, 1990, Item 211, and January 9, 1991,
Item 211; last continued at the Assistant City
Manager's request, for further review by the City
Manager, Planning Department, and the City Attorney's
office.)

A proposal to amend the Resource Protection Ordinance,
Article 1, Division 4, Section 101.0462 of the San
Diego Municipal Code to delete the Black Mountain Road,
and County Island Annexation areas from Paragraph E.,
Exclusions.

(District-6.)

Introduction of an Ordinance deleting the exclusions
for Black Mountain Road Assessment District, and the
County Island from the Resource Protection Ordinance,
Section 101.0462, Paragraphs E4, 5 and 6 of the
Municipal Code.

(In accordance with Council direction of December 12,
1990, this matter will be continued to a future
meeting, so that it may be considered with companion
amendments to the Resource Protection Ordinance (Item
210 on this agenda).)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: I147-433.)

Hearing began at 5:42 p.m. and halted at 5:54 p.m.

Testimony in favor by Frank Faye.

MOTION BY BERNHARDT TO INTRODUCE. Second by Pratt. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay,
McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-91-1159) CONTINUED TO FEBRUARY 5, 1991

(Continued from the meetings of January 15, 1991, Item S503, and January 22, 1991, Item S407; last continued at Councilmember Bernhardt's request, for full Council.)

Authorizing the Auditor and Comptroller to transfer within the General Fund 100, the sum of \$500,000 from the Unallocated Reserve (605) to the Allocated Reserve (901) to provide supplemental funds to be expended solely and exclusively for the purpose of defraying costs incurred in the opposition to the proposed merger of San Diego Gas and Electric Company and Southern California Edison.

Aud. Cert. 9100526.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A021-024.)

MOTION BY McCARTY TO CONTINUE TO FEBRUARY 5, 1991, AT THE REQUEST OF THE CITY ATTORNEY. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: (O-91-120) INTRODUCED AND ADOPTED AS ORDINANCE
O-17595 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17504 to increase the Building Inspection Enterprise Fund 41300 by the sum of \$46,000 to be recovered by increased mobile home permit and park fees; amending the personnel authorization of the Building Inspection Department 1300, Enterprise Fund 41300, by adding .45 Building Inspector II position for the purpose of administering the Local Mobile Home Park Inspection Program; and authorizing the Auditor and Comptroller to allocate said \$46,000 to Building Inspection Department as follows: Personnel Expense - \$21,987, Overhead - \$22,207 and Nonpersonnel Expense -

\$1,806.

NOTE: The first public hearing of this Ordinance was held on Monday, January 28, 1991, Item S406. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E024-141.)

MOTION BY FILNER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (R-91-) CONTINUED TO FEBRUARY 12, 1991

(Continued from the meeting of January 22, 1991, Item 332, at the appellant's request, for further review.)

Appeal of the Fourth and C Corporation (owner of the California Theatre building), by Lynne L. Heidel of Peterson and Price, from the decision of the Historical Site Board in approving site designation of the California Theatre building as Site No. 263, Grade 1. The theater is located at 330-336 C Street/1122 4th Avenue, and is more particularly described as Lots E-G, Block 16, Horton's Addition.

(District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historical site designation, with appropriate findings to support Council action.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D180-189.)

MOTION BY FILNER TO CONTINUE TO FEBRUARY 12, 1991 FOR FURTHER REVIEW. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S503: (R-91-1121) ADOPTED AS RESOLUTION R-277286

Authorizing the issuance, sale and delivery of Multifamily Housing Revenue Bonds of the Housing Authority of the City of San Diego for multifamily rental housing developments to be acquired by Mt. Aguilar Associates and Penasquitos Associates.

(See Housing Authority Report HCR-91-001-CC. District-1.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I435-K339.)

Hearing began at 5:55 p.m. and halted at 7:15 p.m.

Motion by Henderson to continue to February 12, 1991 for the results of the District Attorney's investigation. Second by Mayor O'Connor. Failed by the following vote: Yeas-6,7,M. Nays-1,3,4,5,8. Not Present-2.

MOTION BY PRATT TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

Motion by Henderson to invite the District Attorney to a Council meeting in two weeks to present the results of the investigation. Second by Mayor O'Connor. No vote.

ITEM-S504: (R-91-1252) ADOPTED AS RESOLUTION R-277280

Approving the recommendation of the Department of Legislative Services that legislation relating to the statute of limitations on asbestos damage previously sponsored by the City is authorized for incorporation into the 1991 State Legislative Sponsorship Program; assigning this legislative proposal to the Rules Committee for monitoring of its progress during the legislative session.

(See Department of Legislative Services Report DLS-91-1.)

COMMITTEE ACTION: Reviewed by RULES on 1/23/91.

Recommendation to approve the Department of Legislative Services recommendation to include the Asbestos Abatement Bill into the 1991 State Legislative Sponsorship Program, and to assign this legislative proposal to the Rules Committee for monitoring during the state legislation session. Districts 1, 5, 7, and Mayor voted yea. Districts 4 and 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C284-285.)

MOTION BY ROBERTS TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S505: (R-91-1211) ADOPTED AS AMENDED AS RESOLUTION
R-277281

Supporting House Resolution 6 (Peace and Alpert)
calling upon the Governor to proclaim a state of
emergency in San Diego and further take action to
provide assistance;

calling upon the Honorable Pete Wilson, Governor, to
join the City in seeking funding from the United States
Department of State for the interim costs of treating
the sewage entering San Diego from Mexico.

(See Department of Legislative Services Report 91-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E143-177.)

MOTION BY FILNER TO ADOPT WITH AN AMENDMENT TO PAGE 2
CHANGING FUNDING FROM THE DEPARTMENT OF STATE TO
"APPROPRIATE FEDERAL AGENCIES." Second by McCarty. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-not present,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor at 7:17 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: K340.